

**222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-21242-2022

Date of decision : 30.11.2022

Maninder Singh @ Mohit

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Bhanu Partap Singh, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.12 dated 15.03.2022, under Sections 363, 366, 383 of IPC, registered at Police Station Hajipur, District Hoshiarpur.

As per the facts of the case, the FIR was lodged by the prosecutrix (name concealed) wherein it was alleged that she was 15 years of age and a student of 10th class. About six months back, Maninder Singh @ Mohit called her on 29.01.2022 at around 12:00 PM and asked her to bring jewellery and money from her home. He threatened to kill her if she does not come. He also threatened her that he would post her photos on social media/net. She got scared and she left her home with jewellery and Rs.20,000/- on Mohit's motorbike. Thereafter, she came to Dasuya Railway Station and then went to Jalandhar on bike. Mohit took her to International Hotel, Jalandhar but could not get the room as they did not have Aadhar Card. In the meantime, her father called her and asked her to come back. They came back with Dev Bans. Mohit left her in

the bus and got off at Garna Sahib himself. On the statement made, the FIR was registered and the investigation commenced. The petitioner was arrested on 16.03.2022. He approached the court of learned Additional Sessions Judge, Hoshiarpur praying for grant of regular bail. However, after hearing both the sides, learned Additional Sessions Judge, declined the same vide order dated 11.04.2022. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in this case for the reason that the prosecutrix is of the age of minority. However, he never forced the prosecutrix to elope from her home. She left the home of her own will. He has submitted that as per the case of the prosecution itself, the prosecutrix went on motor-bike of the petitioner. Thereafter, they went to Jalandhar and from there, they came back in a bus. He submits that both of them remained in public places and had been travelling in public conveyance. However, there was no resistance whatsoever from the prosecutrix side even though both of them were in public places. He has submitted that the occurrence alleged has taken place on 29.01.2022 whereas, the present FIR has been lodged on 15.03.2022 i.e. after the delay of about almost two months. He has submitted that the prosecutrix returned to her home within five hours. He has submitted that now the prosecutrix and her father had already been examined and the petitioner has no criminal antecedents. He submits that there was no allegations from the prosecutrix herself that the petitioner has sexually abused the prosecutrix. He submits that there are material contradictions in their deposition. He further submits that once the material witnesses already

stands examined, the petitioner is not even in a position to influence the prosecution witnesses. He submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the prosecutrix is admittedly minor being 15 years of age. He submits that even if it is assumed that the prosecutrix had consented, the same has no legal sanctity as she is minor. He submits that the prosecutrix and her father have already been examined and they have duly supported the case of the prosecution. He further submits that out of total 09 prosecution witnesses, 02 witnesses i.e. prosecutrix and her father have already been examined and rest of the witnesses are the official witnesses. He submits that as per the instructions from ASI Pawan Kumar, the petitioner has no criminal antecedents as he has never been involved in any other case.

Heard. Evidently, the prosecutrix went missing on 29.01.2022 and returned to her home on the same day. The FIR in this case was lodged on 15.03.2022. The prosecutrix and her father have already been examined by the trial Court. As submitted by learned State counsel, out of 09 prosecution witnesses, 02 witnesses already stands examined. There is nothing on record to show that the petitioner has any criminal antecedents.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence led by both the parties before the trial Court. The trial of the case will take sufficiently long time. This Court would refrain itself from commenting anything on the merits of the case. However, confining itself to the prayer

made for bail, this Court finds that counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

30.11.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No